

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Evan Daniel MERCER

Case: 2:24-mj-30024

Assigned To : Unassigned

Assign. Date : 1/23/2024

CMP: USA v MERCER (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2023 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. §§ 2422(b) and 2251(a) and (e)
18 U.S.C. § 2252A(a)(5)(B)

Offense Description

Enticement of a Minor; Producing and/or attempting to produce child
pornography; Possess and/or access with intent to view child pornography or
attempt to possess with intent to view child pornography.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: January 23, 2024

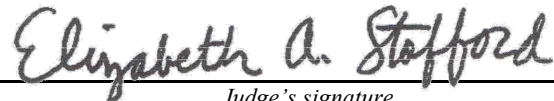
City and state: Detroit, Michigan



Complainant's signature

Special Agent Amy Hirina (FBI)

Printed name and title



Judge's signature

Hon. Elizabeth A. Stafford, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Amy Hirina, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Detroit Division, being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I have been employed as a Special Agent of the FBI since 2005, and am currently assigned to the FBI Detroit Division, Oakland County Resident Agency. While employed by the FBI, I have investigated federal criminal violations involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute arrest warrants issued under the authority of the United States.
3. I make this affidavit from personal knowledge based on my participation in this investigation, as well as information received from other law enforcement officers and/or their reports and records. The information outlined herein is provided for the limited

purpose of establishing probable cause and does not contain all details or facts that exist pertaining to the investigation.

4. This affidavit is made in support of an application for a criminal complaint and arrest warrant for EVAN DANIEL MERCER (DOB 06/xx/1993) for violations of 18 U.S.C. § 2422(b) (enticement of a minor), 18 U.S.C. § 2251(a) and (e) (producing/attempting to produce child pornography), and 18 U.S.C. § 2252A(a)(5)(B) (possession of and/or access with intent to view child pornography, or attempt to possess or access with intent to view child pornography).

II. PROBABLE CAUSE

5. On or about September 26, 2023, Witness 1, whose identity is known to the Ferndale Police Department (FPD), reported that she is the ex-girlfriend of Evan Mercer (DOB 06/xx/1993). Witness 1 logged into her laptop and observed screenshots of Mercer masturbating with children on the website Omegle¹. Previously, Mercer resided with Witness 1 in Ferndale, Michigan and Mercer's

¹ Omegle- Defined by Wikipedia as "Omegle was a free, web-based online chat service that allowed users to socialize with others without the need to register. The service randomly paired users in one-on-one chat sessions where they could chat anonymously. It operated from 2009 to 2023.

cell phone was synched to Witness 1's laptop. Witness 1 saved the files she observed of Mercer to a USB drive and provided the USB drive to the FPD.

6. I have reviewed the contents of the USB drive provided by Witness 1 and observed the following:

- a. A 29 second video file (RPreplay_Final1694074174.mp4) which depicts a screen capture of Omegle. "Omegle.com" is observed on the screen. A nude prepubescent minor female, approximately seven to nine years old, is lying on her back. The minor female licks her fingers and inserts them into her vagina. In the upper right-hand corner of the screen is a nude adult male masturbating. The adult male appears to be visually similar to Mercer's driver's license image, which I have reviewed as part of this investigation. Witness 1 identified the adult male as Mercer and identified the room as Mercer's parent's residence in Farmington, Michigan. Mercer's driver's license address is listed as Farmington, Michigan.

Below are the messages observed on the bottom of the screen on that video file:

[conversation outlined in red]	7
[conversation outlined in blue]	C (remaining letters are cut off)
[conversation outlined in red]	cute
[conversation outlined in blue]	Fuck yes
[conversation outlined in blue]	Love it;)
[conversation outlined in blue]	Adorabl
[conversation outlined in blue]	Lick her

- b. A screenshot image with “omegle” depicted on the image and saved as “Screen Shot 2021-03-19 at 2.28.13 AM.png.” On the left-hand side are two images stacked on top of each other. The top image is a partial view of male genitalia and what appears to be a marker inserted in an anus. The bottom image is a male with long hair, wearing only a shirt and appearing to be masturbating. Witness 1 identified the room in the bottom image as a room in a cottage in Dexter, Michigan that

Mercer's family utilizes. The right-hand side of the image is the below conversation:

Stranger:	15
You:	cool:)
You:	u like?
Stranger:	yes
You:	lemme see u
Stranger:	ok
You:	mmm
You:	yes pls
You:	show me:)
You:	mmmm
You:	love it
You:	i wanna suck you dry
Stranger:	yes please daddy
You:	ever been fucked?
Stranger:	not yet but ivy been putting stuff up there
You:	mmm
You:	show me? :)
You:	mmm
You:	i wanna eat that ass so bad

I reviewed the screenshot described above and believe "You" is Mercer and "Stranger" is the unknown individual in the upper image. In a separate screenshot "Screen Shot 2021-04-04 at 12.46.50AM.png" provided by Witness 1, I observed the following excerpt:

Stranger	age
You	27

Mercer would have been 27 years old based on Mercer's date of birth and the date saved in the file name.

7. On or about September 27, 2023, FPD Detectives interviewed Mercer in Detroit, Michigan. Mercer consented to an interview and stated that Witness 1 had sent him screenshots she found on her laptop. Mercer advised the screenshots were of him on an anonymous website Omegle, masturbating with underage people. Mercer explained that in approximately early 2021, Mercer was staying in Dexter, Michigan at a family cottage. Mercer was depressed during the pandemic and began to use Omegle. Mercer had his microphone off while on Omegle, but he did communicate on Omegle by typing. Mercer took the screenshots sent to him by Witness 1 with his computer. Mercer showed the FPD Detectives the screenshots that were sent to him by Witness 1 on his cell phone. FPD Detectives seized Mercer's cell phone (iPhone 11 Pro Max) which contained child sexual abuse material (CSAM) and advised Mercer the phone would not be searched until they obtained a search warrant.

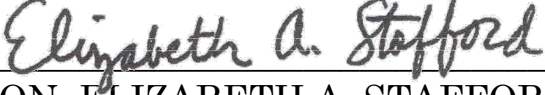
8. On or about September 27, 2023, a search warrant seeking information for the iPhone 11 Pro Max was issued by the 43rd District Court, Oakland County, State of Michigan. A review of the phone revealed approximately 15 CSAM images, to include prepubescent minors and minors engaged in sexual activity.
9. Based on the Omegle screenshots turned over by Witness 1, forensic review of Mercer's cell phone, and Mercer's admissions, I believe that probable cause exists that Evan Mercer (DOB 06/XX/1993) violated 18 U.S.C. § 2422(b) (enticement of a minor), 18 U.S.C. § 2251(a) and (e) (producing/attempting to produce child pornography), and 18 U.S.C. § 2252A(a)(5)(B) (possession of and/or access with intent to view child pornography, or attempt to possess or access with intent to view child pornography).

Respectfully submitted,



Amy Hirina
Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. ELIZABETH A. STAFFORD
United States Magistrate Judge